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DEPARTMENT FOR EUR (DICARLO), EUR/SCE (FOOKS/STINCHCOMB),
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SUBJECT: BOSNIA - ONE YEAR POST ICJ VERDICT, MUCH PROGRESS,
BUT SREBRENICA CHALLENGES REMAIN

REF: SARAJEVO 234

Classified By: Classified by Michael J. Murphy. Reasons 1.4(b) and (d).

¶1. (C) SUMMARY: In February 2007, the International Court of Justice (ICJ) verdict that genocide was committed in and around Srebrenica in July 1995 unleashed pent-up Bosniak anger about the 1992-1995 war. Bosniak political leaders exploited the verdict in order to advance their own narrow, nationalist political agenda. Bosniak returnees to Srebrenica, angered by the slow pace of prosecutions of alleged war criminals and the municipality's socio-economic problems, launched an initiative demanding change in Srebrenica. Encouraged by Bosniak member of the Tri-Presidency Haris Silajdzic and others, local Bosniaks demanded "special status" outside the Republika Srpska (RS) and threatened unilateral secession. The international community, led by the U.S., forged and implemented a plan to deal with Srebrenica that had a calming effect. As the first anniversary of the ICJ verdict approaches, we can report that there has been much progress addressing political, justice and security, and socio-economic concerns of Srebrenica's residents. (Note: The anniversary coincides with the February 26-27 Peace Implementation Council. End Note) Nonetheless, we have also heard increasing complaints, some valid, others less so, that not enough has been done. Bosniak leaders, particularly Silajdzic, remain poised to exploit Srebrenica, a potent symbol for Bosniaks of the wartime atrocities they endured. On February 19, Silajdzic put forward another Presidency Decision on the ICJ verdict which his Serb counterpart, Nebojsa Radmanovic, blocked by invoking the RS's vital national interest (VNI) veto. END SUMMARY

"The Past is Not Dead...

¶2. (C) In the wake of the ICJ's February 26, 2007 verdict that genocide occurred in and around Srebrenica in July 1995, Bosniak political leaders, led by Haris Silajdzic, began a strident campaign for "special status" for Srebrenica, essentially calling for its secession from the Republika Srpska (RS). They also encouraged a mass emigration of Bosniak returnees from Srebrenica, claiming conditions there were intolerable. From the outset, the international community rejected calls to unilaterally redraw Dayton's territorial boundaries. Instead, the international community, led by the U.S., developed and implemented an action plan to address justice and security, economic, and social concerns of Srebrenica's residents -- notably its Bosniak returnee community. Ultimately, these efforts

diffused efforts by Bosniak politicians to further exploit the ICJ verdict, but as the first anniversary of the verdict approaches, we expect Silajdzic will once again attempt to raise the political temperature over Srebrenica.

...In Fact, It's Not Even Past." - (Faulkner)

¶3. (C) Although our efforts in spring 2007 helped to calm tensions over Srebrenica secession and to channel the Srebrenica discussion on to a more constructive path, on February 19 -- at Silajdzic's prompting -- the Presidency approved by a 2-1 vote a request to the United Nations that the UNSC "take all necessary measures" to implement the verdict. The decision, structured like a UNSCR, also bluntly accuses Serbia of harboring International Criminal Tribunal for the former Yugoslavia (ICTY) indictees Ratko Mladic and Radovan Karadzic. Not surprisingly, Bosnian Serb member of the Tri-Presidency Radmanovic was the dissenter. The same day, he announced that he was invoking the RS's VNI veto to block it. The Republika Srpska National Assembly (RSNA) will debate and vote on Silajdzic's proposal on February 21. Silajdzic has also indicated he will raise the ICJ verdict at the Peace Implementation Council (PIC) meeting in Brussels next week.

Political Challenges Threaten Srebrenica's Stability

¶4. (C) In Srebrenica, the elements for another political confrontation and the push for "special status" still exist. Mayor Abdurahman Malkic told us that he firmly believes Srebrenica deserves "special legal attention" that provides the municipality with state-level social, economic and

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political benefits. Malkic and Speaker Radomir Pavlovic also continue to discuss drafting a new municipal statute that would eliminate that possibility for ethnic "outvoting" in the Municipal Assembly (MA). (Note: Bosniaks now have a majority in the MA, but this could change after the 2008 municipal elections. The Passive Voter Registration System, adopted in 2005, requires voters to cast ballots where they are registered. Many returnees are no longer registered in their pre-war municipality, which in the case of Srebrenica, means the number of Bosniaks voting in 2008 will decline, reducing Bosniak representation in the MA. End Note) We have recommended that Malkic and Pavlovic work together to produce a draft, but cautioned that a municipal statute requiring additional changes to RS law is unlikely to pass the RSNA.

Progress on Justice

¶5. (SBU) "Justice" is among most sensitive Srebrenica issues and the most difficult to address. The complexities associated with investigating the genocide, most notably the absence of survivors and therefore witnesses, means it takes time to develop indictments, prosecute and convict perpetrators. Nonetheless, there has been important progress since February, 2007. The BiH State Court's Special Department for War Crimes (SDWC) is investigating thirty-six active-duty RS police officers for Srebrenica-related crimes. (Note: All thirty-six have been suspended with pay. End Note.) In every case, SDWC plans to either file charges or make public that there is insufficient information on which to base an indictment. Though the RS Ministry of Interior and the RS Police union have been pressuring SDWC to complete its investigations quickly, SDWC is resolved to proceed at a measured pace in order to ensure the integrity of evidence collected.

¶6. (C) One of the most visible developments on the justice front is that SDWC also plans to open a branch office in Srebrenica on February 22. The office will be staffed part-time by one international and one national prosecutor

along with two international investigators, legal officers, language assistants and support personnel. The branch office will be used as a staging ground for SDWC investigations. It will have the advantages of proximity to potential witnesses and availability to walk-ins who wish to cooperate with investigations. The field office will also utilize surprise interrogations of suspects and witnesses to prevent witness collusion. SDWC is working on building trial teams of international lawyers to build cases targeting leadership and key implementors of war crimes based on "neutral criteria." The system seeks to generate cases based on objective estimates of the numbers of victims.

Socio-Economic Investments Open to Criticism

17. (SBU) In the six months following the ICJ verdict, Bosnian cantonal, entity and state governments pledged to assist Srebrenica. In recent months, there have been accusations about whether these commitments have been met and how the funds are being used. For example, Mayor Malkic accused the RS of overstating its support to Srebrenica, failing to consult the municipality on where to direct investments, irregularities in accounting and claiming credit for projects performed by other donors. The RS has, in turn, accused Malkic of embezzling the funds for his personal gain. Despite the these accusation, from our travel in the region and discussions with local residents, it is obvious that progress has been made, especially with regard to road construction, expansion of electricity and house reconstruction. Bosniak returnees no longer have problems connecting their houses to electricity, an issue that had plagued the returnee community and hindered sustainable return. Also, all reconstruction of homes was done with the joint approval and coordination of a Serb-Bosniak Municipal Assembly commission to ensure an equitable distribution of funds.

18. (SBU) Our best assessment of the performance of the Bosnian governments during the past 12 months follows (\$1 equals approximately 1.35 KM):

-- Tuzla Canton: Pledged 771,532.80 KM for the reconstruction of housing infrastructure and sustainable return through road and housing construction and donations to Bosniak businesses.

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These investments have been partially implemented.

-- Federation Government: Pledged 4,798,297.33 KM for reconstruction of houses, infrastructure, reconstruction of the downtown mosque, and support to businesses and personnel in high demand, including teachers, policemen and medical staff who support rural populations. This funding included 400,000 KM from the Sarajevo Canton intended to aid sustainable return. Although it took the Federation some time to begin implementation, it has since completed most projects.

-- RS Government: Pledged 27,809,261 KM for reconstruction of housing, electricity lines, power stations, roads, sustainable return, and reconstruction of infrastructure. Initially, the RS was the most proactive donor. The quality of its infrastructure projects has been praised by the local community. However, some RS projects have benefited only Serbs and not Bosniak returnee communities. The RS has also claimed credit for funding projects that were actually funded by international donors.

-- BiH Council of Ministers: Pledged 10,000,000 KM and adopted an operational plan for the implementation of funds. Of this total amount, 7,000,000 pledged for investment in communal and social infrastructure, 2,000,000 in employment projects and 1,000,000 for education and the hiring of necessary staff. No projects have been implemented.

Comment - Srebrenica's Spring Sequel

¶9. (C) Contrary to assertions by some Bosniak political leaders, there has been progress on political, justice and socio-economic fronts in Srebrenica in the past year. However, this does not mean our work in Srebrenica is done. As long as secondees remain at the State Prosecutor's Office and the State Court, we are confident that we will continue to see progress on justice issues. We will need to continue to press the Bosnian governments, particularly the RS, to honor their commitments to assist Srebrenica and do our best to ensure their funds are used as intended. As we reported earlier, we must also ensure that the Potocari Memorial and Cemetery is properly transitioned to state-level responsibility (Reftel). Like last year, our greatest challenge is likely to be managing the politics of Srebrenica, which remain potentially explosive. Silajdzic is already seeking to put Srebrenica and the ICJ verdict back on the political agenda and to use it as a vehicle for advancing his anti-RS political agenda. Bosniaks concerned about losing their majority on the Srebrenica Municipal Assembly in the 2008 municipal elections are also desperate to create a legal structure, whether through the Srebrenica Municipal statute or special status at the state-level, that will perpetuate Bosniak control of the municipality. This effort will also likely spark political controversy, requiring our attention over the next several months. End Comment.

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